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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jeyhan Karaoguz

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

RYAN, PATRICK A

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,904	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to RCE - Reply to Final Office Action of April 16, 2008 ("Reply"), filed August 18, 2008. Applicant has amended Claims 1, 11, and 21; no claims have been canceled; and no claims have been added. As amended, Claims 1 through 31 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2008 has been entered.

Terminal Disclaimer

3. The terminal disclaimer filed on June 10, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Serial Number (10/675467) has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

4. Applicant's arguments, see Reply Pages 13-17, regarding the rejection of Claims 1, 11, and 21 under 35 USC 102(b) as being anticipated by Novak, (US Patent Application Publication 2002/0104099), have been fully considered but they are not persuasive.

5. Regarding the Claim 1, 11, and 21 limitation:

“presenting for displaying, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location.”

Applicant presents that “Novak simply does not disclose that any media guide is presented at the source 122 (equated by the Examiner to “the first geographic location”)” because “Novak discloses that media guide (or EPG) is only displayed at the location of STB 152 (equated by the Examiner to “a second geographic location”)” (Reply Page 14; with further reference to Paragraph [0063] of Novak). The Examiner respectfully disagrees.

The Examiner has equated Upload Source 122 to Applicant's “first geographic location” and STB 152 to Applicant's “second geographic location” in order to establish points of reference in addressing the limitation “push[ing] from the first geographic location to a second geographic location” using Novak method of Figure 11. The Examiner presents that Novak defines Upload Source 122 to function as an “individual” or an “organization” (Paragraph [0039]), a “consumer” (Paragraph [0056]), and “can comprise or can use a set top box, a PC, or other access device...” (Paragraph [0056]).

It is the Examiner's position that Upload Source 122 is structurally and functionally equivalent to the STB 152 based on Novak's disclosure Paragraphs [0039,0056]. Therefore, Upload Source 122, which can comprise a set top box, is also capable of viewing EPG 152 containing a plurality of channels shown as Television Channels 902 and synthetic channel Listing 908. In order to further clarify this position, this Office Action addresses Applicant's "second geographic location" as "client terminal of end user at STB 152", which is in accordance with Novak's Block 1116 of Fig. 11, as described in Paragraph [0086].

The Examiner therefore presents that Novak does in fact teach the limitation:

"presenting for displaying, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location."

as presented above and further addressed below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 through 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak, (US Patent Application Publication 2002/0104099).

8. In reference to Claim 1, Novak teaches a method of customizing a channel interface (shown in Figure 11 as described in Paragraphs [0077-0086]), the method comprising:

determining one or both of personal media and/or broadcast media that is to be presented in a media channel ("broadcast" or "synthetic" channels of Figs. 8 and 9 as described in Paragraph [0071-0075]; with further reference to User Interface 702 of Fig. 7, as described in Paragraphs [0063-0070]);

determining a schedule for presenting one or both of personal media and/or broadcast media in the media channel (creation of synthetic channel at Block 1106 of Figure 11 as described in Paragraph [0078], with further reference to Figs. 6 and 7 as described in Paragraphs [0062-0068]); and

presenting for displaying, at a first geographic location (Upload Source 122, which can be an "individual", an "organization", or a "consumer" and "can comprise or can use a set top box, a PC, or other access device...", as described in Paragraphs [0039,0040,0056]; with further reference to [0041,0046,0055,0056,0068,0070, 0074,0080]), the schedule comprising the one or both of personal media and/or broadcast media in a media guide (Block 1116 of Figure 11 as described in Paragraph [0086], with further reference to Block 1112 as described in Paragraph [0084]. In these steps the schedule of media created from interface of Fig. 6 and 7 is presented to a STB 152 user by way of EPG 153 as shown in Fig. 9 and described in Paragraphs

Art Unit: 2623

[0074-0075]), wherein the media channel may be pushed from the first geographic location to a second geographic location (Block 1104 to Block 1112 of Figure 11, as described in Paragraphs [0078-0083], demonstrating the process of providing access to information related to media objects by way of Interface 702; with further reference to Paragraph [0075] and Blocks 1114-1116 of Fig. 11 describing operations of client terminal of end user STB 152 at a [equated to Applicant's "second geographic location"]); wherein the media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at the first geographic location (EPG 153 of Fig. 9 displays multiple channels to the end user in the form of Television Channels 902 and synthetic channel Listing 908, as described in Paragraph [0074]. In addition Remote Control Unit 158 is used to tune Television Set 154 to Television Programs 906 and synthetic channel media 910, as described in Paragraphs [0075]).

9. In reference to Claim 2, Novak teaches a method of presenting the media guide comprising representations of one or both of personal media and broadcast media in a graphical user interface (EPG 802 of Figure 8 as described in Paragraphs [0071 and/or 0072]).

10. In reference to Claim 3, Novak teaches a method wherein the graphical user interface contains one or both of aural and/or visual representations comprising one or more of audio, text, video, and/or graphics of one or both of personal media and/or broadcast media (display screen 1004 of Figure 10 as described in Paragraph [0076], Lines 4-10).

Art Unit: 2623

11. In reference to Claim 4, Novak teaches a method of controlling the graphical user interface by one or more of a keyboard, a mouse, a remote control, and/or a microphone (buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10).

12. In reference to Claims 5 and 9, Novak teaches a method wherein the schedule correlates one or both of personal media and/or broadcast media to one or more of a time, a day, and/or a year (listings 908 of Figure 9 as described in Paragraph [0074] lines 10-13) for the presentation of the one or more of personal media and/or broadcast media in the media channel.

13. In reference to Claim 6, Novak teaches a method of selecting the one or both of personal media and/or broadcast media (buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10) from a list of sources (“underlying component” of EPG 802 as described in Paragraph [0072]).

14. In reference to Claim 7, Novak teaches a method of displaying access and control functions for controlling the one or more of personal media and/or broadcast media from within the media guide (“automatic features” of interface 702 as described in Paragraph [0066]).

15. In reference to Claim 8, Novak teaches a method of rescheduling when the one or more of personal media and/or broadcast media is to be presented in the media channel (“re-sequence” action of interface 702 as described in Paragraph [0065], Lines 6-14).

Art Unit: 2623

16. In reference to Claim 10, Novak teaches a method of updating one or more of a time, a day, and/or a year within the media guide (upload/update button 712 of interface 702 as described in Paragraph [0067]), when the one or both of personal media and/or broadcast media is to be presented in the media channel (Updating EPG 153, as described in Paragraph [0080]).

17. In reference to Claims 11-20, Novak teaches a machine-readable storage (described in Paragraph [0077], Lines 4-10) having stored thereon, a computer program having at least one code section for programming media content in a distributed media network (using “token” program described in Paragraph [0058] Lines 1-10), the at least one code section being executable by a machine (STB 152 described in Paragraph [0077] Lines 10-14) for causing the machine to perform the method of Claims 1 through 10.

18. In reference to Claim 21-30, Novak teaches a system for customizing a channel interface comprising at least one processor that receives at least one indication of one or both of personal media and/or broadcast media that is to be presented in a media channel (STB 152 executing the flow diagram of Figure 11 as described in Paragraphs [0077-0086]), wherein the system and processor execute the method of Claims 1 through 10.

Art Unit: 2623

19. In reference to claim 31, Novak teaches a processor that is a media processing system processor (Paragraph [0085] describing the STB 152 executing flow diagram block 1114).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Wood et al., United States Patent Application Publication (2002/0054752 A1), teach a method and system for controlling the recoding and storage of television signals into personal channels (Abstract). The personal channels can be presented with broadcast channel listings in the same electronic program guide (Fig. 10)

22. Cooper et al., United States Patent (6,754,904 B1), teach an electronic program guide as a common interface between users in different geographic locations (Abstract, Fig. 6).

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
Monday, September 29, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623